



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
HEADQUARTERS UNITED STATES ARMY FORCES COMMAND  
1777 HARDEE AVENUE SW  
FORT McPHERSON, GEORGIA 30330-1062

AFLG-PR

20 December 2001

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Contracting Information Letter (CIL) 02-10, Army Reinvention Policy Update

1. Army Reinvention Policy Update. Reference memo, DASC-DM-SMI dated 10 Dec 01, SAB (Encl 1). In this memo, signed by David J. Thomas, COL, GS, Director of Management, emphasis is placed on clarification of previous Army policy as set forth in Secretary of the Army memorandum, 14 April 1999, Subject: Army Reinvention Policy and Director of Management memorandum, dated 16 April 1999, Subject: Revised Army Reinvention Procedures (see attached).
2. The purpose is to ensure that waivers to Army regulatory requirements are based on current regulation. Please see attached memo, which is effective immediately and applies to all existing and future permanent waivers.
3. If additional information is needed, please contact Ms. Gwendolyn Miles, DSN 367-5486, or e-mail [milesgwen@forscom.army.mil](mailto:milesgwen@forscom.army.mil).

Encl  
as

CHARLES J. GUTA  
Colonel, AC  
Chief, Contracting Division, DCSLOG  
Principal Assistant Responsible  
for Contracting

(c) ACTION REQUESTED: (Brief statement of specific desired outcome. Avoid nonspecific requests.)

(d) NEED FOR LEGISLATION: (A brief narrative statement explaining why the legislation is needed. State what this will allow that cannot currently be done or what the installation will stop performing that is currently required. This statement will provide the basis for the formal statement submitted to Congress along with the proposal. It needs to be succinct, persuasive, and avoid jargon or acronyms. The statement should clearly express intended outcome.)

(e) ROLE IN COMMAND STRATEGIC BUSINESS PLAN AND THE INSTALLATION STRATEGIC BUSINESS PLAN: (A brief statement explaining how the requested legislation fits within the Command and installation Strategic Business Plans. If the requested legislation is relevant to an existing action being worked by HQ FORSCOM, specify the reengineering issue.)

(f) RELEVANT PROVISIONS OF EXISTING LAW: (If the request involves repealing or amending existing law, the specific provisions needs to be identified. Use the codified citation for codified provisions, and the public law citation for uncoded provisions.)

(g) POINT OF CONTACT: (Give the name, position, e-mail address, phone, and fax numbers of the individual who can provide additional detailed information about the request.)

Legislative Liaison (OCLL) coordinates proposals with the Army General Counsel, Office of the Judge Advocate General (OTJAG), functional proponents in the DA Secretariat and on the Army Staff and, as a result of the Reinvention Center designation, the CG FORSCOM. As an exception to OCLL's overall responsibilities, the Assistant Secretary of the Army (Financial Management) is principally responsible for submissions considered as part of the Appropriation Act cycle, and the Assistant Secretary of the Army (Civil Works) is principally responsible for legislation relating to the civil works functions of the Corps of Engineers.

(5) There are four basic recurring HQDA programs for the submission of requests for legislation. These are:

(a) Legislation submitted as part of the annual Authorization Act cycle;

(b) Legislation submitted throughout the year as so-called "free standing" legislative proposals;

(c) Legislation submitted as part of the DOD "Omnibus Legislative Package" (usually merged by Congress with Authorization Act requests and considered as a single package); and

(d) Legislation (as distinct from funding levels) submitted as part of the annual Appropriation Act cycle. Appropriation legislation normally involves only authority to expend funds on otherwise authorized activities. Permanent legislation is not enacted in the Appropriation Act, although some provisions (normally prohibitions or restrictions on expending funds) tend to be reenacted each year (so-called "recurring provisions").

b. Format for submission of requests for legislation.

(1) Proposed changes to public law or new legislation will be placed on the FORSCOM Intranet or forwarded to DCSRE by e-mail to the Reinvent mail box (address: reinvent@ftmcphsn-emh1.army.mil).

(2) The following format will be used:

(a) SUBJECT: Request for Legislation

(b) SUBMITTED BY: (Specify the requesting command.)

provisions of existing statutes, or the absence of a statute providing authority, preclude or unnecessarily hinder adoption of the most efficient and effective organization and practices at FORSCOM installations. Requests for legislation are not appropriate when the desired outcome can be obtained through waiver, rescission, change, or promulgation of Executive Branch regulations at any level. The Executive Branch has, at times, limited the exercise of its authority as a result of language contained in reports accompanying previously enacted legislation. If the "report language" is an impediment to reengineering, a request for legislation may be appropriate, even if technically not required as a matter of law.

(2) There are basically two types of requests for legislation:

(a) Requests for modification or repeal of laws that impede desired practices and/or organizations (removing roadblocks); and

(b) Requests for enactment of a law to allow desired practices and/or organizations not authorized under existing law (granting new authority).

(3) Both types of requests can result in dramatic change. The second is more challenging to formulate, more conducive to truly breaking paradigms and getting out of the "box" of existing practices, and more valuable in the long run. Legislative requests of the second type also facilitate a true partnership approach between the Executive Branch and Congress within the framework of the

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National Performance Review and the Defense Performance Review. Accordingly, while both types of requests will be necessary, the main focus of creative thought should be on positive, empowering enactments granting broad new authority.

(4) The Office of Management and Budget (OMB) is responsible for the overall Executive Branch legislative program. Its role is to coordinate legislative proposals among interested agencies, ensure that proposals are consistent with the overall program of the Administration, and coordinate Executive Branch positions on legislative proposals originating in Congress. The Office of the DOD General Counsel, in conjunction with the Assistant Secretary of Defense (Legislative Affairs) and the DOD Comptroller, has parallel responsibilities at the OSD level. With responsibility for the overall Army legislative program, the Office of the Chief of

d. HQ FORSCOM DCSRE will ensure that the submission is complete.

(1) If the proposal is incomplete, DCSRE will return it to the contributing installation for additional information.

(2) If the proposal is complete, DCSRE will forward the initiative to the HQ FORSCOM functional proponent, SJA, and other staff, as appropriate. The HQ FORSCOM staff will complete the following:

(a) Issue Statement.

(b) Specific Action Requested.

(c) Originator of the Issue.

(d) Relationship to the Command's Strategic Business Plan and the Installation Strategic Business Plan.

(e) Pros and Cons.

(f) Barriers/Inhibitors (laws, regulations, policies, culture, etc.).

(g) Risks (long-term to Army or FORSCOM).

(h) Staff Recommendation. Provide a coordinated recommendation with justification to DCSRE for presentation to the HQ FORSCOM Chief of Staff. Disposition will include one of the following: obtain a waiver to test at selected sites, seek a waiver to implement the change across the Command, or disapprove.

(3) DCSRE will provide the HQ FORSCOM response to the contributor and keep the rest of the Command and HQDA informed. The HQ FORSCOM staff will develop any required functional memorandum and supporting data to be forwarded to HQDA.

#### 7. Proposed Change To Public Law.

a. General. As with all waiver proposals, the Installation Commander must approve the proposal.

(1) Proposed changes to public laws or proposals for new legislation are outside the HQ FORSCOM Commanding General's authority to waive. Requests for legislation are appropriate when the

to test the waiver. Installations must adhere to the following steps before HQ FORSCOM will consider the proposal to test a waiver of the DFARS or FARs:

a. The test waiver parameters are identical to those outlined in paragraph 4 above.

b. In accordance with reference 1b, testing of the following is prohibited:

(1) Deviations that have significant effect beyond the internal operating procedures of the agency or those that have a significant cost or administrative impact on contractors or offerors.

(2) Deviations that are identified in DFARS 201.402(1) (i) (Procurement Integrity, Rights in Data and Copyrights; Applicability of Cost Principles; Contracts with Commercial Organizations; or Contract Financing).

(3) Requirements imposed by statute or those that implement the regulations or directives of other agencies (e.g., Small Business Administration, Department of Labor).

6. Proposed Change To Other Regulatory Barriers. Authority has not been granted to this Command to waive non-DFARS DOD regulations, policies, directives, issuances, and procedures. Further, the Command does not have the authority to change regulations of the Office of Personnel Management, Office of Management and Budget, or other Federal agencies. Guidance on requesting these waivers is as follows:

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a. The same data required in paragraph 4b needs to be submitted in proposing changes to barriers that are outside the HQ FORSCOM Commanding General's authority to waive.

b. As with all waiver proposals, the Installation Commander must approve the request to obtain a waiver.

c. Proposed waivers will be placed on the FORSCOM Intranet or forwarded to DCSRE by e-mail to the Reinvent mail box (address: reinvent@ftmcpn-emhl.army.mil).

(1) To ensure that the proposal is complete and that all regulatory barriers have been identified, DCSRE will forward the initiative to the HQ FORSCOM functional proponent to validate the barrier(s) listed and then forward to HQ FORSCOM SJA for review. The staff will provide a recommended disposition with justification to DCSRE for presentation to the HQ FORSCOM Chief of Staff. The disposition will normally be provided to installations within fifteen working days from receipt on the Intranet and will include one of the following: sanction a test, forward to HQDA for wider implementation, waive across the Command without testing, or disapprove the test. The HQ FORSCOM Chief of Staff may grant an extension to the functional proponent or the SJA for purposes of additional research into a complex issue or writing an opinion. In the case of an extension, the installation will be immediately notified.

(2) If the proposal is incomplete, it will be returned via the Intranet to the contributing installation for additional information.

(3) Upon approval, information regarding the test will be placed on the Intranet to allow the entire community an opportunity to review and comment. However, no other installation except the contributor is sanctioned to conduct a test.

e. As required by reference 1a, HQ FORSCOM must inform HQDA that a waiver is being tested.

f. Upon completion of the test, the installation will submit the test results and a recommendation, the impact on the measures of effectiveness, and other pertinent data to HQ FORSCOM.

g. Final waiver authority remains with the FORSCOM Commander.

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5. Proposing Tests to Waive Defense Federal Acquisition Regulation Supplement (DFARS) and Federal Acquisition Regulations (FARS). DFARS and FARS are the only other regulations that can be waived by the FORSCOM Commander and, as such, are the only other regulations that can be proposed for testing. No test is to be started without prior approval of the HQ FORSCOM Chief of Staff. The Installation Commander must also approve all proposals to test; this authority can not be delegated. Additionally, installations proposing waivers to DFARS and FARS must be prepared

locally, an electronic copy of the servicing SJA analysis will be submitted to HQ FORSCOM with the request.

(3) Proposed Process. Provide a brief description of the proposed process. Include potential benefits, proposed measures of effectiveness that will be collected to document test results, and a proposed timeline for conducting the test.

c. While the Secretary of the Army has delegated to the CG, FORSCOM, the authority to waive Department of Army Regulations and Instructions, the following prohibitions apply:

(1) Regulations/instructions (and policies) that address adverse action against or rights and benefits of soldiers and/or civilian employees (including NAF employees) may not be waived.

(2) Regulations, instructions, and policies which address equal opportunity and equal employment opportunity may not be waived.

(3) Provisions of regulations/instructions that merely restate requirements imposed by statute, executive order, executive branch-wide regulations, such as those of the OMB, or DOD Directives or Instructions may not be waived.

(4) Provisions of a regulation/instruction that have the status of a "legislative regulation or issuance" may not be waived.

(5) Provisions required by law may not be waived.

(6) The waiver authority may not be used so as to augment, without further action by HQDA, resources such as manpower, facilities, money, or equipment provided to FORSCOM and its subordinate units/installations.

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(7) Testing waivers to unit/individual readiness and unit movements is prohibited. Requests for waiver of unit/individual readiness or unit movements must be forwarded to HQ FORSCOM for disposition.

d. HQ FORSCOM Deputy Chief of Staff for Resources and Evaluation (DCSRE) is responsible for ensuring the submission is complete.



identify the applicable statute/promulgation. A signed copy by the senior legal officer will be locally maintained.

c. The Intranet is the preferred method for submission to HQ FORSCOM, but e-mail to the Reinvent mail box (address: reinvent@ftmcphsn-emh1.army.mil) is also acceptable.

#### 4. Proposing Test Waivers to ARs/Policies.

a. General. No test is to be started without prior approval of the HQ FORSCOM Chief of Staff. Additionally, before forwarding the proposed test for HQ FORSCOM disposition, the Installation Commander must approve the initiative; this authority cannot be delegated. Installations proposing waivers to Army regulations must be prepared to test the waiver. The steps in paragraph 4b below must also be adhered to before HQ FORSCOM will consider the proposal to test a waiver of an AR.

b. Specific instructions for requesting approval to test a waiver to an AR are provided at the FORSCOM Intranet home page (address: <http://freddie-forscom.army.mil:2010/>). At a minimum, the following must be completed:

(1) Title. Provide a short, descriptive title of the initiative.

(2) Current Process. Briefly describe the current process. If available, provide process mapping diagrams (this is optional). List all regulatory barriers by specifying the actual paragraphs within the regulations that govern the process. Of critical importance is the in-depth legal which must be personally signed by the installation senior legal officer (normally the SJA). The legal opinion will address whether the action or request is within the scope of the FORSCOM Commanding General's authority to waive Department of Army regulations/instructions. It will also identify whether the regulatory provision in question is required by statute or higher executive branch promulgation and, if so, will identify the applicable statute/promulgation. If the action involves waiving a DOD Directive or Instruction (either directly

or because the Army Regulation in question merely restates a requirement from a DOD Directive or Instruction), the analysis will address whether the DOD Directive or Instruction is or is not within the scope of the Secretary of the Army's delegated waiver authority. Though the signed copy will be maintained

## WAIVER PROCESSING STANDARD OPERATING PROCEDURE

### 1. References:

- a. Memorandum, Secretary of the Army, 14 Aug 95, subject: Revised Waiver Authority for Army Reinvention Centers and Laboratories.
- b. Memorandum, Director, Defense Procurement, DP (DAR), 9 Dec 93, subject: Reinvention Laboratories.
- c. Memorandum, HQ Forces Command, AFCG, 28 Aug 95, subject: DOD Waiver Authority for Army Reinvention Centers and laboratories.

2. General Instructions. The FORSCOM Intranet will be used to identify a waiver to a FORSCOM regulation; request permission to conduct a test for waiver of an Army Regulation, Defense Federal Acquisition Regulation Supplement, or Federal Acquisition Regulation; forward a request to waive a Department of Defense regulation or other agency regulation; or request a change to a public law. The Installation Commander is the only individual who can authorize these actions. Two people per installation will be given authority to write to the FORSCOM Intranet--use of Windows 95 Internet Explorer is required. The FORSCOM Intranet home page (address: <http://freddie-forscom.army.mil:2010/>) provides specific instructions. This methodology allows our entire community to observe and comment on the test. The Intranet or e-mail to the Reinvent mail box (address: [reinvent@ftmcphsn-emh1.army.mil](mailto:reinvent@ftmcphsn-emh1.army.mil)) may be used to propose a non-test waiver.

3. Waiving FORSCOM Regulations. Installation Commanders have been granted the authority to waive FORSCOM regulations in accordance with the FORSCOM Reengineering OPORD (Jan 95), page 2, paragraph 2d which states: "...commanders can waive FORSCOM regulations, but must inform the FORSCOM Chief of Staff of these waivers...". This guidance is supplemented as follows:

- a. The Installation Commander will approve all waivers to FORSCOM regulations.
- b. The waiver must specify the barrier being waived, benefits to the Command, and include a detailed legal opinion signed by the SJA. The legal opinion will address whether the action or request is within the scope of the Command's authorities. The analysis will identify whether the regulatory provision in question is required by statute or higher executive branch promulgation and, if so, will



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HEADQUARTERS, UNITED STATES ARMY FORCES COMMAND  
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REPLY TO  
ATTENTION OF

AFRM

MEMORANDUM FOR

Commanders, CONUSA/Major Subordinate Commands  
Commanders, FORSCOM Installations  
Commander, Third United States Army  
Chiefs, Primary and Secondary Staff Agencies, Headquarters U.S.  
Army Forces Command

SUBJECT: Processing of Proposed Waivers to Regulatory and Legal  
Barriers

1. This memorandum provides guidance on the revised methods for processing waivers to regulatory or legal barriers to achieve greater efficiency in FORSCOM operations. Of special interest are the changes to expedite test waivers to Army Regulations (AR), Defense Federal Acquisition Regulation Supplement (DFARS), and Federal Acquisition Regulation (FAR). Specific instructions are provided at the enclosure.
2. Forces Command remains the Department of Defense leader in eliminating red tape by waiving or obtaining waivers to regulatory and legal barriers. However, we need to do even more. With this in mind, I charge you to make substantial changes in the way we do business and to help me disseminate those success stories. The key is to be innovative - to try many ideas, keep what works, discard what does not, and provide our entire community with the results, whether positive or negative.
3. While our immediate goal is to maximize efficiencies, our continuing objective is mission readiness. Now more than ever, readiness depends on doing business smarter.

Encl

DAVID A. BRAMLETT  
General, USA  
Commanding

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OPERATIONS  
SUPPORT DIRECTORATE

- C. FINALLY, YOU NEED TO SEIZE THE SPIRIT OF THE NPR BY EMPOWERING YOUR SUBORDINATES TO SEEK WAIVER OF YOUR RULES ON THE SAME BASIS.
5. YOU CAN DECIDE WHAT ARMY AND OSD RULES TO CHALLENGE BY ASKING YOURSELF THE FOLLOWING QUESTIONS: IS IT RIGHT FOR MY CUSTOMERS AND THE COUNTRY?, IS IT LEGAL AND ETHICAL?, IS IT CONSISTENT WITH OUR MISSION AND OUR VALUES?, AND FINALLY, AM I WILLING TO BE ACCOUNTABLE FOR THE RESULTS? IF THE ANSWERS TO ALL THESE QUESTIONS ARE YES, ASK FOR A WAIVER.
6. WE HAVE BEEN GIVEN A RARE OPPORTUNITY TO CHANGE OUR ARMY AND THE WAY IT SERVES THE NATION. WE MUST TAKE EVERY ADVANTAGE OF THE OPPORTUNITY.
7. THE DM WILL PROVIDE QUARTERLY REPORTS TO ME ON THE PROGRESS OF THIS INITIATIVE, INCLUDING THE DISPOSITION OF WAIVER REQUESTS. BT

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SUPPORT DIRECTORATE

2. IN HIS MEMORANDUM OF 28 MARCH 1994, THE SECRETARY OF DEFENSE DELEGATED TO ME THE AUTHORITY TO WAIVE, WITH THE APPROVAL OF THE SECRETARY OF DEFENSE OR THE DEPUTY SECRETARY OF DEFENSE, ANY REQUIREMENT CONTAINED IN A DOD DIRECTIVE, OR WITH THE APPROVAL OF THE RESPONSIBLE OSD STAFF PRINCIPLE, ANY REQUIREMENT CONTAINED IN A DOD INSTRUCTION OR PUBLICATION, FOR ACTIVITIES BEING STREAMLINED OR REENGINEERED IN SUPPORT OF THE NATIONAL PERFORMANCE REVIEW. THIS DELEGATED AUTHORITY CANNOT BE USED TO WAIVE ANY "LEGISLATIVE REGULATION OR ISSUANCE", OR ANY PROVISION "REQUIRED BY LAW." WITH RESPECT TO REQUIREMENTS RELATING TO CIVILIAN EMPLOYEE WORKING CONDITIONS, THIS AUTHORITY SHALL BE EXERCISED IN ACCORDANCE WITH THE CHARTERS OF THE NATIONAL PARTNERSHIP COUNCIL AND THE DEFENSE PARTNERSHIP COUNCIL.
3. THE TERMS "LEGISLATIVE REGULATION OR ISSUANCES" ARE DERIVED FROM CHEVRON USA V. NATURAL RES. DEF. COUNCIL, 467 U.S. 837, 843-844 (1984) AND ITS PROGENY. THEY REFER TO DOD, ARMY, AND OTHER AGENCY INSTRUCTIONS WHICH FILL IN GAPS IN THE LEGISLATION TO WHICH THEY RELATE. THESE INSTRUCTIONS ("REGULATIONS") DEFINE TERMS OR PROVIDE GUIDANCE OR CONTROLS NOT ALREADY SET FORTH IN THAT LEGISLATION. EXAMPLES INCLUDE THE REGULATIONS OF THE OFFICE OF PERSONNEL MANAGEMENT AT 5 C.F.R. PART 410, WHICH IMPLEMENT THE GOVERNMENT EMPLOYEES TRAINING ACT, AND DEPARTMENT OF DEFENSE FEDERAL ACQUISITION REGULATION, PART 6 WHICH IMPLEMENTS THE COMPETITION IN CONTRACTING ACT. THE TERMS "REQUIRED BY LAW" REFERS TO THOSE PORTIONS OF LAW WHICH MANDATE SPECIFIC ACTION BY DOD OR ARMY. WAIVER MAY BE CONSIDERED WHEN THE LAW "AUTHORIZES" BUT DOES NOT "REQUIRE" A SPECIFIC ACTION, LEAVING DISCRETION AS TO WHETHER OR HOW TO IMPLEMENT ITS PROVISIONS. THIS INCLUDES "LEGISLATIVE REGULATIONS OR ISSUANCES" AS CLARIFIED ABOVE.
4. THOSE ORGANIZATIONS WHICH ARE STREAMLINING OR REENGINEERING IN ACCORDANCE WITH THE TENETS OF THE NPR CAN OBTAIN RELIEF IN THE FOLLOWING MANNER.
- A. FIRST, IDENTIFY DOD DIRECTIVES, INSTRUCTIONS, OR PUBLICATIONS WHICH ARE ELIGIBLE FOR POSSIBLE WAIVER AS SET FORTH IN PARAGRAPH 2, ABOVE, AND WHICH PREVENT YOU FROM PROVIDING THE BEST POSSIBLE SERVICE TO YOUR CUSTOMERS. SUBMIT TO THE DIRECTOR OF MANAGEMENT A WRITTEN REQUEST FOR WAIVER. THIS REQUEST SHOULD EXPLAIN WHY YOU NEED A WAIVER, HOW LONG IT WILL LAST, HOW THE WAIVER WILL BETTER HELP YOU ACCOMPLISH YOUR MISSION, AND HOW YOU INTEND TO MEASURE THE RESULTS. THE REQUEST SHOULD ALSO INCLUDE AN OPINION BY THE LEGAL OFFICER FOR THE COMMAND GENERATING THE REQUEST THAT THE REGULATION, PUBLICATION OR ISSUANCE IS NOT A "LEGISLATIVE REGULATION OR ISSUANCE" OR "REQUIRED BY LAW." FOLLOWING DA HEADQUARTERS APPROVAL, WE WILL SEND THOSE WAIVERS TO THE APPROPRIATE OSD OFFICE FOR IMMEDIATE ACTION. OSD HAS STATED THAT THEY WILL PROCESS THE REQUEST WITHIN 30 DAYS. ONLY SECRETARY PERRY OF DEPUTY SECRETARY DEUTCH CAN SAY NO TO A WAIVER WE REQUEST, AND THEY HAVE STATED THEIR EXPECTATION THAT WAIVERS WILL BE APPROVED WHENEVER POSSIBLE.
- B. SECOND, IN HIS MEMORANDUM OF MARCH 28, 1994, THE SECRETARY OF DEFENSE ENCOURAGED THE SERVICE SECRETARIES TO WAIVE OTHER REQUIREMENTS WITHIN THEIR AUTHORITY. TO THAT END, YOU MAY REQUEST WAIVERS OF COMPARABLE, ARMY LEVEL REGULATIONS AND OTHER PUBLICATIONS EXCEPT PROVISIONS WHICH ADDRESS ADVERSE ACTION AGAINST OR RIGHTS AND BENEFITS OF SOLDIERS/EMPLOYEES. REQUEST FOR APPROVAL OF WAIVERS SHOULD BE ADDRESSED IN WRITING TO THE HQDA PROPONENT FOR THE REGULATION, PUBLICATION, OR ISSUANCE TO BE WAIVED AND INCLUDE THE CATEGORIES OF INFORMATION REQUIRED IN PARAGRAPH 3 ABOVE. IN ADDITION, THE REQUEST SHOULD INCLUDE AN OPINION BY THE LEGAL OFFICER FOR THE COMMAND GENERATING THE REQUEST THAT THE REGULATION, PUBLICATION OR ISSUANCE IS NOT A "LEGISLATIVE REGULATION OR ISSUANCE" OR "REQUIRED BY LAW." THE HQDA PROPONENT WILL RESPOND IN WRITING WITHIN 21 DAYS OF RECEIPT OF THE REQUEST. IN THE EVENT THAT THE REGULATORY PROPONENT OPPOSES YOUR WAIVER, AND YOU STILL WISH TO PURSUE IT, THE FINAL DISPOSITION WILL BE MADE BY UNDER SECRETARY REEDER OR MYSELF.

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SUPPORT DIRECTORATE

ROUTINE

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FM DA WASHINGTON DC//SASA//

TO CINCFORSCOM FT MCPHERSON GA//FCCS//  
 COTRADO FT MONROE VA//ATCS//  
 CINCUSAREUR HEIDELBERG GE//AEAGF-CS//  
 CDRAMC ALEXANDRIA VA//AMCC// SUPTUSMA WEST POINT NY//MACS//  
 CDRUSAEIGHT SEOUL KOR//FKCS//  
 COMARSPACE COLORADO SPRINGS COLORADO  
 CDRUSACE DA WASH DC//CECS// CDRUSASOC FT BRAGG NC//AOCSS//  
 CDRUSARPAC FT SHAFTER HI//APCS//  
 CNGB WASHINGTON DC//NGB-ZB// DA WASH DC//DAAR//  
 CDRUSAHSC FT SAM HOUSTON TX//HSCS//  
 CORMDW WASH DC//ANCS//  
 CDRUSASC FT HUACHUCA AZ//ASCS//  
 CNGB WASHINGTON DC//NGB-ZB// CDRINSCOM FT BELVOIR VA//IACS//  
 COMDTUSAWC CARLISLE BKS//AWCC// CDRUSACIDC WASHDC //CICG-CS//  
 CDRMTMC FALLS CHURCH VA//MT-CS//  
 CDRUSARSO PANAMA//SOCS// CDRUSAREC FT KNOX KY//TCCS//  
 INFO DA WASH DC//SAUS//SAAA//SAGC//SACW//SAFM-ZA//SAILE//SAMR// MR/  
 SARD-ZA//SAIS-ZA//SAAG-ZA//SAIG-ZA//SALL-ZA//SAPA-ZA//DACS-ZA//ZB//ZD//  
 DM//DPZ-A//DAIM//DAPE-ZA//DAMO-ZA//DALO-ZA//DAMI-ZA//DAEN-ZA//DASG-ZA//  
 DACH-ZA//DAJA-ZA//

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PERSONAL FOR GEN REIMER, CG FORSCOM; GEN FRANKS, CG TRADOC; GEN  
 MADDOX, CINCUSAREUR; GEN SALOMON, CDR AMC; LTG GRAVES, SUPT USMA; LTG  
 CROUCH, CDRUSAEIGHT; LTG LIONETTI, CG, USASSDC; LTG WILLIAMS, CG  
 ACOE; LTG SCOTT, CDRUSASOC; LTG ORD, CDRUSARPAC; MG BARATZ, CHIEF,  
 AR; MG CAMERON, CDRUSAHSC; MG GORDON, CORMDW; MG LEFFLER, CDRUSASC;  
 MG D'ARAUO, CNGB; MG MENOHER, CDRINSCOM; MG STOFFT, COMDT USAWC; MG  
 BERRY, CDRUSACIDC; BG THOMPSON, CG MTMC; BG SCHOOMAKER, CG USARSO; BG  
 ROPER, DCG USAREC; INFO: MR REEDER, SAUS; MR HAMILTON, SAAA; MR  
 COLEMAN, SAGC; MR ZIRSCHKY, SACW; MS MCCOY, SAFM-ZA; MR WALKER, SAILE  
 MS LISTER, SAMR; MR DECKER, SARD-ZA; LTG KIND, SAIS-ZA; MR REARDON,  
 SAAG-ZA; LTG GRIGGITH, SAIG-ZA; MG HARRISON, SALL-ZA; MG MCCLAIN,  
 SAPA-ZA; GEN SULLIVAN, DACS-ZA; LTG TILLELLI, DACS-ZB; LTG DOMINY,  
 DACS-ZD; BG SHANE, DACS-DH, MG STROUP, DACS-DPZ-A; MG LITTLE, DAIM;  
 MG ARNOLD, DAPE-ZA; LTG BLACKWELL, DAMO-ZA; LTG WILSON, DALO-ZA;  
 LTG OWENS, DAMI-ZA; LTG WILLIAMS, DAEN-ZA; LTG LANOUE, DASG-ZA;  
 MG ZIMMERMAN, DACH-ZA; MG NARDOTTI, DAJA-ZA;  
 FROM SECRETARY WEST

SUBJECT: DELEGATION OF WAIVER AUTHORITY

1. THE PRESIDENT AND THE VICE PRESIDENT HAVE CHALLENGED DOD AND  
 THE SERVICES TO "RADICALLY CHANGE THE WAY GOVERNMENT OPERATES--TO  
 SHIFT FROM TOP DOWN BUREAUCRACY TO ENTREPRENEURIAL GOVERNMENT." WE  
 MUST CREATE A GOVERNMENT THAT WORKS BETTER AND COSTS LESS BY  
 EMPOWERING EMPLOYEES, CUTTING RED TAPE AND FOCUSING ON OUR CUSTOMERS.

DA WASH DC

ACTION SAMR/MS LISTER/(1) SAILE/MR WALKER/(1)  
 SAAG/MR REARDON/(1) SAFM/MS MCCOY/(1)  
 SARD /MR DECKER/(1) SASA/MR REEDER/(1)  
 SASA/MR HAMILTON/(1) SASA /MR COLEMAN/(1)  
 SASA/MR ZIRSCHKY/(1) DACS/GEN SULLIVAN/(2)  
 SAIG/LTG GRIFFITH/(1) SAPA/MG MCCLAIN/(1)  
 SALL/MG HARRISON/(1) SAIS/LTG KIND/(1)  
 SAIS/LTG KIND/(1) DACS/MG STROUP/(1)  
 DACS/GEN TILLELLI/(1) DAMO/LTG BLACKWELL/(1)  
 DAPE/LTG CARNEY/(1) DACS/LTG DOMINY/(1)  
 DACS-DAIM/MG LITTLE/(1) DAAR/MG BARATZ/(1)  
 DACH/MG ZIMMERMAN/(1) DAEN/LTG WILLIAMS/(0)  
 DAJA/MG NARDOTTI/(1) DALO/LTG WILSON/(1)  
 DAMI/LTG OWENS/(1) DASG/LTG LANOUE/(1)  
 INFO DACS/BG SHANE/(1) SASA/MR WEST/(1) SCB REVIEW(1)

(H)

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TOR-54222/20362

TAD-94223/00492

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entire Army. Therefore, you are responsible and accountable for understanding the rationale behind the policy before proceeding.

The authority delegated in this memorandum shall not be used to waive any legislative regulation or issuance, or any provision required by law. Also, it may not be used to waive those regulations, instructions and policies which address equal opportunity, equal employment opportunity or adverse action against, or rights and benefits of soldiers and employees. This authority may not be used to augment resources such as manpower, facilities, money or equipment.

From your vantage point on the cutting edge of innovative business practices and operations, it is important that you provide timely lessons learned that can be benchmarked by the rest of the Army and the federal government. For this reason, I am asking that whenever you experience a significant organizational impact (positive or negative) as a function of waiver implementation actions, that you notify the Director of Management so this information can be shared. I also request you provide a comprehensive list of waivers implemented and their impact on the organization in an annual update to the Director of Management.

My message of 092001Z August 94, Subject: Delegation of Waiver Authority, remains in effect for all non-reinvention laboratory waivers.



Togo D. West, Jr.

Enclosure



SECRETARY OF THE ARMY  
WASHINGTON

14 AUG 1995



MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Revised Waiver Authority for Army Reinvention Centers and Laboratories

When Vice President Gore established the National Performance Review with provisions for Reinvention Laboratories and Centers, his intent was to create opportunities to experiment with innovative business practices to increase the efficiency and effectiveness of the Federal government. To increase the flexibility of your Reinvention Laboratories and Centers to achieve that end, Secretary Perry, in his memorandum of 23 May 1995 (enclosed), modified the waiver authority granted to me.

To demonstrate trust and confidence in your exceptional efforts to date, I hereby redelegate to Commanders or Directors of all Army Reinvention Laboratories and Centers the authority to waive any requirement contained in a Department of Defense Directive, Instruction, or Publication delegated to me by the Secretary in his 23 May memorandum. This authority is subject to the limitations, requirements, and procedures specified in the Secretary's memorandum. Effective immediately, the following policies are in effect for all Army Laboratories and Centers. First, when a Commander or Director of an Army Lab or Center decides to waive a Department of Defense directive or instruction, that commander or director will notify the Office of the Secretary of Defense (OSD) Staff Principal of the directive or instruction waived within two working days. He will at the same time notify the OSD General Counsel and the Deputy Director of the Defense Performance Review. This notification must include an explanation of the reason for the waiver, (not to exceed two years), and a legal review by the senior legal officer of the command or agency in which the lab or center resides. Concurrently, the Laboratory or Center Commander or Director will submit a copy of the approved waiver and associated materials to the Director of Management. Waivers will go into effect automatically 30 days after the Staff Principal and the General Counsel have been notified unless specifically denied by the Secretary of Defense or Deputy Secretary of Defense.

Second, I hereby delegate to the Commanders or Directors of Army Reinvention Laboratories and Centers the authority to waive, subject to the limitations described below, any requirement contained in a Department of the Army regulation, instruction, or policy. Prior to action on such waivers, a legal review will be conducted by the senior legal officer of the Reinvention Laboratory or Center concerned. Waivers of Department of the Army requirements will be forwarded within two days of approval to the HQDA functional proponent and the Director of Management.

While the authority to waive regulations is granted to give you maximum benefits created from your new and innovative business practices, the use of it must be consistent with Army's Title X responsibilities and departmental functions. Any Army-wide policy revised as part of your reinvention or reengineering effort may have implications for the



Management Improvements (formerly the Performance Improvements & Management Reengineering) for processing within OSD. If the Army Staff Principal objects to the waiver, procedures for objection previously outlined for reinvention centers and labs go into effect.

4. The second change deals with the reengineered legislative change process which is outlined below:

a. The authority to waive Army regulations/policies does not include authority to waive any regulation or other provision required by law. Reinvention centers and labs desiring to propose either a new law or a change to a law that supports their reengineering efforts shall submit the proposed legislation to the DM for the Reengineering Legislative Change Process. All proposals will support Army reengineering and reinvention initiatives, be submitted in accordance with Section 2, DA Memo 340-6; be approved by the Commander; have a "champion" empowered to speak for the commander and also to serve as the point of contact through the entire legislative change process; and the proposal does not violate the pay-as-you-go (PAYGO) provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990. Reinvention Centers and Labs will use the following guidelines when preparing proposals for submission. Submitted proposals will include the following:

- Detailed description of the proposal
- A justified statement with supporting background information
- An explanation of how the proposal furthers reengineering and reinvention objectives
- Projected cost savings/avoidance data
- A legal opinion, including the existing laws and statutes that would be affected
- Potential applicability across DoD
- Name of the MACOM champion

b. Once the DM receives the proposal, the RLWG will meet to consider the proposal's probability of success, economic pay back, applicability across DoD, and its ability to garner a unified Army position. The RLWG will provide its recommendations for the proposal to the DAS, who will determine whether or not the proposal will be expedited or processed through routine legislative channels.

not object to the waiver, no action is required. The submitting reinvention center or organization continues with implementation of the waiver.

b. HQDA Staff Principal objects to the waiver request: In those instances when the HQDA Staff Principal or the GC objects to the waiver, within 5 working days of receipt of the waiver the HQDA Staff Principal or GC will notify the submitting reinvention center or lab and the DM, of the objection. Upon receipt of notice of the HQDA Staff Principal or GC objection, the submitting reinvention center or lab will maintain the status quo and defer implementation of the waiver until the issues are resolved as follows: All parties involved shall work together to resolve any issue precluding agreement on the provisions of the waiver proposal or to amend the request to achieve agreement. The DM, if required, will arrange to convene a group to achieve this end. If the parties do not agree, they will work together to produce a joint report package within 30 days of receipt of the waiver package by the HQDA Staff Principal. The HQDA Staff Principal will prepare a joint report package that will contain the following elements:

- (1) Identification of resolved and unresolved issues.
- (2) Clear statement of the waiver request (original or revised) as it stands at that time and waiver authority.
- (3) Specific statement by the HQDA Staff Principal or GC addressing each of the points of the waiver that are under dispute.
- (4) Specific reasons from the HQDA Staff Principal or GC on why the SA should deny the proposal.

The proposed joint report package, shall be forwarded through the Director of the Army Staff (DAS) to the SA for resolution when the parties involved cannot agree on all issues. The SA is the only designated authority to disapprove a waiver proposal. After the SA approves or disapproves the waiver, the package is returned to the DM for dissemination to the originating reinvention laboratory with copies furnished to the HQDA Staff Principal and GC.

c. Waivers from organizations outside of a Reinvention Center or Laboratory: For all non-reinvention waivers, the Secretary of Defense's March 28, 1994, memorandum remains in effect. Waiver requests are submitted to DM, who staffs them to the HQDA Staff Principal and GC. If both agree with the waiver, the HQDA Staff Principal is responsible for informing the submitting organization and DM of the approval. If the waiver is to a DoD Instruction, Directive or Publication and the HQDA Staff Principal and GC recommend forwarding to OSD, the proposal and recommendation should be returned to DM for review and further processing. The DM will send the waiver directly to the Office of the Under Secretary of Defense (Comptroller)/Directorate of

## **REVISED ARMY WAIVER/LEGISLATIVE CHANGE PROCESSES**

### **1. Governing Policies:**

a. Message, DACS-ZD, DTG 221700Z Apr 97, subject: Reengineered Legislative Change Process.

b. Memorandum, Under Secretary of Defense, 2 Apr 97, subject: Revised DoD Waiver Policy.

c. Memorandum, Secretary of the Army, 14 Aug 95, subject: Revised Waiver Authority for Army Reinvention Centers and Laboratories.

d. Memorandum, Secretary of Defense, 23 May 95, subject: Revised Waiver Authority for Reinvention Laboratories and Centers.

e. Message, Secretary of the Army, DTG 092001Z Aug 94, subject: Delegation of Waiver Authority.

f. Memorandum, Secretary of Defense, 28 Mar 94, subject: Waiver Authority.

2. **General:** To make the reinvention/reengineering process more responsive to the needs of Army reinvention centers and laboratories, two significant improvements have been made to the waiver and "Fast Track" legislative change processes. These changes are: 1) Waiver Dispute Resolution Process, 2) Reengineered Legislative Change Process. These improvements are intended to standardize and clarify the duties and responsibilities of the submitting agencies and HQDA Staff proponents/ Reengineering Legislative Working Group (RLWG).

3. **Core Waiver Process:** Waivers to Army regulations or policies will comply with the Secretary of the Army's (SA) waiver policy as outlined in reference 1c. Within two days of approval, the submitting center and/or lab will notify the Office of the Director of Management (DM) (DACS-DMC-P) by email, fax or hard copy of the approved waiver. Within 24 hours, DM will assign a HQDA waiver number and provide a copy of the approved waiver to the HQDA Staff Principal and Army General Counsel (GC) for action. If the HQDA Staff Principal receives a waiver directly from the reinvention centers or labs, contact DM at (703) 602-2723 immediately to initiate the prescribed notification process. The paragraph below depicts the current process including the dispute resolution changes:

a. **HQDA Staff Principal does not object to the waiver request:** If the HQDA Staff Principal with responsibility for the affected Army regulation or policy or the GC does



DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF STAFF  
200 ARMY PENTAGON  
WASHINGTON DC 20310-0200

REPLY TO  
ATTENTION OF

DACS-DMC


04 NOV 1997

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Reinvention Waiver Processing Procedures

1. Reference memorandum, Secretary of the Army, 14 Aug 95, subject: Revised Waiver Authority for Army Reinvention Centers and Laboratories.
2. The enclosed waiver processing procedures standardize and clarify the waiver processing procedures for the Headquarters, Department of the Army (HQDA) and Army's reinvention centers and laboratories. These procedures clearly define the responsibilities and duties of the parties involved, the process, and specified period for completion. This document should help facilitate the process and assist in the resolution of differences between the requesting reinvention center or laboratory and the HQDA staff principal. This memorandum supplements the Secretary of the Army's 14 Aug 95 memorandum as referenced above and will remain valid until superseded or published in the next update of AR 5-1.
3. Management Directorate point of contact is Diane Farhat at extension (703) 602-2723; Fax: 602-2758; email address is farhadl@hqda.army.mil.

Encl

  
WILLIAM A. JONES  
Colonel, GS  
Director of Management

DISTRIBUTION:

Principal Officials of Headquarters, Department of the Army

Reinvention Centers,

U.S. Army Forces Command

U.S. Army Training and Doctrine Command



where feasible and desirable, and in an expeditious manner. Specifically, within the OSD, I expect that, where determined to be appropriate, waiver requests shall be acted upon within 30 days of receipt in OSD. However, waivers will become effective only upon written approval.

In keeping with the spirit of the President's memorandum, the authority to disapprove a waiver request is delegated to the cognizant Principal Staff Assistant, or equivalent senior level OSD official, who reports directly to the Deputy Secretary of Defense or me. This authority may not be redelegated. Except where disapprovals are based on a legal or legislative restriction, reinvention laboratories may elect to appeal disapprovals to the Deputy Secretary of Defense or me.

The authority contained in this memorandum may not be used to waive any provision required by statute; any practice, policy, procedure, or regulation required by law; any government-wide regulation; or any regulation issued by another Executive Branch agency that is binding on the Department of Defense. With respect to requirements relating to civilian employee working conditions, waiver authority shall be exercised consistent with any bargaining obligations and with labor-management partnership principles, including those set forth in the charter of the Defense Partnership Council.

This memorandum supercedes previous DoD waiver policy for reinvention laboratories contained in the following memoranda: "Revised DoD Waiver Policy," signed by the Under Secretary of Defense (Comptroller) on April 2, 1997; "Improved Waiver Authority Process," signed by the Deputy Secretary of Defense on February 12, 1996; "Waiver Authority for Reinvention Laboratories and Centers," signed by the Secretary of Defense on May 23, 1995; and "Waiver Authority," signed by the Secretary of Defense on March 28, 1994. The Under Secretary of Defense (Comptroller) is directed to issue procedures to implement this policy.

A handwritten signature in black ink, appearing to read "Bill Clinton", is centered below the text. The signature is stylized with a large, looped initial "B" and a long, sweeping underline.



THE SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

NOV 14 1998

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARIES OF DEFENSE  
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING  
ASSISTANT SECRETARIES OF DEFENSE  
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE  
DIRECTOR, OPERATIONAL TEST AND EVALUATION  
ASSISTANTS TO THE SECRETARY OF DEFENSE  
DIRECTOR, ADMINISTRATION AND MANAGEMENT  
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Revised Waiver Policy for Reinvention Laboratories

The Department of Defense (DoD) remains committed to the goals and principles of the National Partnership for Reinventing Government (NPR). NPR activities, coupled with the defense reform initiatives, provide an excellent avenue to make significant strides in reforming the "business" of the Department while making more efficient use of the resources provided by the Congress and the American taxpayers.

I challenge the Department's reinvention laboratories to undertake additional innovative initiatives in support of the defense reform goals. Reinvention laboratories may request deviations from existing DoD policies and procedures through their component NPR office or point of contact. Over the past 4 years, reinvention laboratories have experimented with numerous exceptions to established policy and procedures. Policy proponents throughout the Department are strongly encouraged to review the results of reinvention laboratory and waiver experiments, pursue wider application of successful processes and waivers, and implement permanent changes, where appropriate.

Effective immediately, authority to approve requests from reinvention laboratories to waive DoD issuances is delegated to the cognizant Deputy Assistant Secretary of Defense, or equivalent, level. Since DoD directives are policy level regulations, the authority to waive these documents should remain at the Deputy Assistant Secretary of Defense, or equivalent, level. Approval to waive other DoD issuances, such as instructions and publications, may be further delegated as appropriate. All waiver approvals, however, require the concurrence of the Office of the General Counsel.

Consistent with President Clinton's memorandum of April 21, 1998 addressing the "Streamlining the Granting of Waivers," I direct that waiver requests be acted upon favorably,



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c. If a reinvention laboratory takes no action on an expired waiver, it will be assumed that the waiver is no longer desired, and it will expire on the scheduled date of expiration.

## **XI. Special Considerations**

a. Acquisition waivers. In accordance with reference II.b. above, contracting activities participating with reinvention laboratories have the authority to deviate from the FAR and the DFARS under certain conditions. Acquisition waiver notifications shall be prepared in accordance with Section IV. above and shall be forwarded through the originating Component's NPR office or POC to OUSD(C)/MI. OUSD(C)/MI will record the waiver in the database and forward the notification to the Office of the Director, Defense Procurement (DDP). Unless notification to the contrary is received from the DDP to the requesting reinvention laboratory (with a copy to OUSD(C)/MI), waivers meeting the conditions in the reference may be considered approved. It should be noted that reference II. b. requires a quarterly report to the DDP of all deviations exercised.

b. Cross service waiver requests. Sometimes a reinvention laboratory may wish to obtain a waiver from an issuance maintained by another DoD Component. For example, a reinvention laboratory in the Defense Logistics Agency may have occasions to request relief from Service regulations. In such situations, the reinvention laboratory involved should request waivers directly from the other applicable DoD Components. Such requests should be forwarded to the applicable Component's NPR representative as identified on the DoD NPR Home Page (<http://www.dtic.mil/npr/nprpocs.html>). Since many Component regulations are based on DoD issuances, the cognizant Component needs to ensure that it is not inadvertently waiving a DoD issuance. In those instances where a waiver request involves both DoD and Component issuances, then the request should be processed in accordance with the procedures outlined in this document.

c. Non-DoD waiver requests. Occasionally, reinvention laboratories request waivers to non-DoD issuances, such as aspects of the Federal Travel Regulation, maintained by the General Service Administration. Such waiver requests should be forwarded to OUSD(C)/MI through the originating Component's NPR office or NPR POC. OUSD(C)/MI will review such requests and, if appropriate, staff the request with the OSD offices that have primary responsibility for the subject matter. If these OSD functional offices concur, OUSD(C)/MI will forward the request to the Reinvention Laboratory Coordinator at the applicable government agency.

**XII. Assistance.** Additional information or assistance involving these procedures may be obtained through the Office of the Under Secretary of Defense (Comptroller), Directorate for Management Improvement, at (703) 697-8580 (or DSN 227-8580).

Attachments

including resource and cost savings or avoidance. (If, based on the experience with the waiver, the reinvention laboratory would like to revise the performance metrics by which future results are measured, then the proposed new performance criteria must be provided and only a waiver extension can be requested.)

7. Identification of the resource impact of continuing or discontinuing the waiver.
8. Description of the lessons learned or problems encountered when implementing the waiver.
9. Recommended permanent change(s) to the DoD applicable issuance, if appropriate.
10. Point of contact, including name, phone and fax numbers, and e-mail address.

c. Requests for waiver extensions or permanent exceptions shall be processed using the same procedures as initial waiver requests. To facilitate the approval process, OUSD(C)/MI will include a form letter that the OSD functional office may use to approve extension requests or requests for permanent exception.

d. If, by 30 days prior to the waiver expiration date, a reinvention laboratory takes no action on an expiring waiver, it will be assumed that the waiver is no longer needed or desired, and it will expire on the scheduled date of expiration. If a request for extension or permanent exception is received by OUSD(C)/MI 30 days prior to the scheduled expiration date, the reinvention laboratory shall have the authority to operate under the provisions of the initial waiver while the request for extension or permanent exception is under consideration by OSD.

e. When appropriate, OSD functional offices are encouraged to consider permanent changes to DoD issuances or to extend waivers to additional organizations.

#### **X. Expired Waivers and Waivers Expiring by January 31, 1999**

a. This section describes interim procedures for those waivers to DoD issuances that have previously expired or will expire by January 31, 1999.

1. If a reinvention laboratory desires to continue a previously approved waiver that has expired, it must submit a request for extension or permanent exception. Re invention laboratories must submit such a request no later than January 1, 1999.

2. Such requests shall be prepared in accordance with Section IX. above and shall be processed using the procedures outlined in Sections V. through VIII. above.

3. For those waivers that have expired or will expire by January 31, 1999, and for which a request for extensions or permanent exception has been received by OUSD(C)/MI by January 1, 1999, reinvention laboratories may continue to operate under the provisions of the initial waivers until the disposition of the extensions are made.

b. Waivers expiring after January 31, 1999, shall follow the procedures in Section IX.



b. To appeal, a reinvention laboratory must prepare a rebuttal, outlining specific points and providing additional justification where appropriate. The reinvention laboratory must forward its appeal request to its Component NPR office or POC for review prior to being forwarded to the OUSD(C)/MI.

c. OUSD(C)/MI shall assign the appeal request to the applicable Principal Staff Assistant responsible for the DoD issuance involved, and provide a suspense date. The OSD functional office shall prepare a memorandum to the Secretary of Defense requesting final determination of the waiver request. The memorandum shall contain the following information:

1. Description of the waiver request.
2. Specific reasons for the initial disapproval.
3. Summary of the points raised by the requesting activity.
4. Responses to points raised by the requesting activity.

d. The cognizant Principal Staff Assistant, or equivalent senior level OSD official, who reports directly to the Secretary or Deputy Secretary of Defense, shall forward the memorandum to the Secretary of Defense through the USD(C).

e. The OUSD(C) shall notify the requesting laboratory and the originating Component's NPR office or POC of the final decision.

f. Where feasible, it is the goal of OSD to complete the resolution process within 60 days of receipt in OSD of the appeal request from the reinvention laboratory.

## **IX. Expiring Waivers**

a. As indicated in Section IV. above, waivers shall be approved for a period of time, not to exceed 2 years. As the end of the waiver period approaches, the reinvention laboratory must determine whether it wishes to request that the waiver be continued.

b. If it is desired that the waiver be continued, the reinvention laboratory must request an extension or a permanent exception to the applicable DoD issuance. The reinvention laboratory shall submit a request for extension or permanent exception at least 30 days prior to the expiration date of the waiver. Such requests shall contain the following information:

1. Name of reinvention laboratory or center.
2. Waiver title and OSD database number (if known).
3. Statement whether the request is for an extension (indicate time period) or permanent exception.
4. Copy of the memorandum that approved the initial waiver for which an extension or permanent exception is being requested.
5. Description of the waiver and the specific issuance involved. Attach a copy of the page(s) from the DoD issuance containing the portion affected.
6. Restatement of the metrics used to measure success and description of the results,

for resolving differing positions or nonconcurrences from other OSD functional offices. In those cases where differences or nonconcurrences with other OSD functional offices cannot be resolved, the issues shall be elevated to the appropriate Principal Staff Assistant for decision.

- e. The lead OSD functional office will coordinate its response with the OGC.

#### **VI. Approving Waiver Requests**

- a. Waiver requests may be approved at the Deputy Assistant Secretary of Defense (DASD) or equivalent level position. When the waiver is approved (or partially approved), the lead OSD functional office will document the decision (and any constraints) in a memorandum to the reinvention laboratory requesting the waiver. The lead OSD functional office will send the response directly to the requesting laboratory with a copy to the originating Component's NPR office or POC. Additionally, the OSD functional office shall provide a copy of the decision memorandum to the OUSD(C)/MI, along with the supporting documentation.

- b. Unless otherwise specified, the waiver will become effective as soon as a DASD, or equivalent official, signs the memorandum.<sup>4</sup>

#### **VII. Disapproving Waiver Requests**

- a. If a waiver request is disapproved, the lead OSD functional office shall document the decision in a memorandum to the reinvention laboratory that requested the waiver and cite specific reasons why the request was not granted. The memorandum must be signed by the cognizant Principal Staff Assistant, or equivalent senior level OSD official, who reports directly to the Secretary or Deputy Secretary of Defense, and should be sent directly to the requesting laboratory with a copy to the originating Component's NPR office or POC. Additionally, the lead OSD functional office shall provide a copy of the decision memorandum to the OUSD(C)/MI, along with the supporting documentation.

- b. The action will then be considered closed unless the reinvention laboratory elects to appeal the decision.

#### **VIII. The Appeal Process**

- a. In those cases where a waiver request has been disapproved by the cognizant Principal Staff Assistant, or equivalent senior level OSD official, who reports directly to the Secretary or Deputy Secretary of Defense and there is no legal or legislative basis for the disapproval, the reinvention laboratory may appeal the decision.

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<sup>4</sup> If another OSD office nonconcurs with the decision to approve the waiver, the Principal Staff Assistant for the lead functional office shall sign the memorandum to the reinvention laboratory.

3. Statement of the requirements of the policy/regulation to be waived (including identification of the DoD issuance by number and name, the paragraph, and line number of the applicable section) and an explanation of the reason the waiver is being requested. Attach a copy of the page(s) from the issuance containing the portion affected.
4. Description of the expected benefits.
5. Identification of the metrics to measure success if the waiver is granted.
6. Duration of the waiver (not to exceed 2 years).
7. A statement, signed by the reinvention laboratory's legal officer, stating that the granting of this waiver would not be inconsistent with any statute. Include the name, date, telephone and fax (commercial and DSN) numbers, e-mail address, and signature of the legal officer.
8. Reinvention laboratory point of contact, including name, phone and fax (commercial and DSN) numbers, and e-mail address.

## **V. Processing of Waiver Requests**

- a. The reinvention laboratory shall forward the request to its Component NPR office or NPR POC.<sup>2</sup> (Those requests received directly from laboratories will be returned to the Component NPR office or NPR POC, except under those conditions noted in the footnote below.) The Component NPR office will check for completeness and then forward the waiver request to the Management Improvement (MI) Directorate within the Office of the Under Secretary of Defense (Comptroller) (OUSD(C)).
- b. OUSD(C)/MI will review the request, assign a tracking number, enter the request into a DoD Waiver Database, identify the "lead" OSD office responsible for the issuance, and forward the request to the applicable Principal Staff Assistant, or equivalent senior level OSD official, who reports directly to the Secretary or Deputy Secretary of Defense, for review and a determination. With the tasking, OUSD(C)/MI will assign a suspense date by which a determination should be made. It is OSD's policy, that where feasible, to respond to waiver requests within 30 days of receipt in OSD.<sup>3</sup>
- c. In forwarding the request to the applicable Principal Staff Assistant, the OUSD(C) memorandum will stress the importance of approving the waiver and to complete the review as quickly as possible. If it is not possible to grant the entire waiver, the OSD functional office will be encouraged to grant as much of the waiver as feasible.
- d. The lead OSD functional office will review the waiver request and determine whether the waiver should be approved or disapproved, in conjunction with other OSD functional offices that may have an interest in the waiver request. The "lead" OSD functional office is responsible

<sup>2</sup> If the reinvention laboratory initiating the request does not have an NPR implementation office or POC, then the waiver request should be sent directly to the Office of the Under Secretary of Defense (Comptroller), Directorate for Management Improvement (MI).

<sup>3</sup> If it is not possible for the OSD functional office to make its determination within the timeframe requested, the functional office should provide an interim response to the requesting reinvention laboratory with a copy of the correspondence to OUSD(C)/MI.

## **II. References**

- a. Memorandum, dated November 14, 1998, "Revised Waiver Policy for Reinvention Laboratories," signed by William Cohen, the Secretary of Defense (attachment 1).
- b. Memorandum, dated December 9, 1993, "Reinvention Laboratories," signed by Eleanor R. Spector, Director of Defense Procurement. This memorandum grants reinvention laboratories the authority to deviate from the Federal Acquisition Regulation (FAR) or the Defense Federal Acquisition Regulation Supplement (DFARS) under certain conditions. (See attachment 2 for conditions.)
- c. DoD Directive 5025.1, "DoD Directives System Annual Index." This index contains numerical and alphabetical listings of DoD issuances. It identifies the OSD office with primary responsibility for the issuances, along with names and telephone numbers of action officers. It may be found at the following web site: <http://web7.whs.osd.mil/corres.htm>.

## **III. Exceptions**

- a. These procedures apply only to reinvention laboratories requesting waivers to DoD issuances. Other organizations requesting waivers to DoD issuances must follow applicable procedures established by their Component and the OSD functional office responsible for the issuance.
- b. These procedures shall not be used to waive any provision required by statute; any practice, policy, procedure, or regulation required by law; any government-wide regulation; or any regulation issued by another Executive Branch agency that is binding on the Department of Defense. Requests for legislative changes should be worked through the Defense Legal Services Agency for inclusion in the DoD Omnibus Legislative Program that accompanies the DoD Authorization Bill.
- c. Waiver requests relating to civilian employee working conditions must be consistent with any bargaining obligations and with labor-management partnership principles, including those set forth in the charter of the Defense Partnership Council.
- d. Reinvention laboratory waiver requests relating to Component issuances should be directed to the Component NPR office or NPR point of contact (POC).

## **IV. The Waiver Request**

- a. Waiver requests should be prepared by the applicable reinvention laboratory desiring the waiver. As a minimum, the request must contain the following information:
  1. Name of reinvention laboratory or center.
  2. Waiver title (Subject or name used to refer to a specific waiver request).

**Department of Defense  
Under Secretary of Defense (Comptroller)**

**OSD Waiver Policy and Procedures for Reinvention Laboratories  
(Effective November 20, 1998)**

**I. Introduction**

a. As part of the National Partnership for Reinventing Government (NPR), DoD Components are encouraged to create reinvention laboratories to experiment with innovative concepts and adopt best business practices. Should reinvention laboratories encounter policy and procedures that prevent or stall their improvement efforts, they have the option to request waivers, i.e., delegations of authority to deviate from existing internal policies and procedures.

b. The procedures described below are to be followed when reinvention laboratories wish to request waivers to DoD issuances.<sup>1</sup> These procedures give greater visibility to waiver requests and encourage decisions in a more timely fashion.

c. Subject to various provisions addressed in Sections II. through XI. below, it is Office of the Secretary of Defense (OSD) policy that:

1. The authority to approve requests from reinvention laboratories to waive DoD issuances has been delegated by the Secretary of Defense to the Deputy Assistant Secretary of Defense (DASD), or equivalent level. Since DoD directives are policy level regulations issued by the Secretary or Deputy Secretary of Defense, the authority to waive these directives should remain at the DASD, or equivalent, level. Approval to waive other DoD issuances, such as instructions and publications, may be further delegated as appropriate.

2. All waiver approvals require the concurrence of the Office of the General Counsel.

3. When determined appropriate, waiver requests from reinvention laboratories shall be acted upon within 30 days of receipt within OSD. However, no waiver shall go into effect until written approval has been granted.

4. Waiver requests may be disapproved only by a Principal Staff Assistant, or equivalent senior level OSD official, who reports directly to the Secretary or Deputy Secretary of Defense.

5. When waiver requests are disapproved, reinvention laboratories may appeal the disapproval to the Secretary or Deputy Secretary of Defense, except where disapprovals are based on legal or legislative restrictions.

d. Waiver policy and procedures are posted on the DoD NPR Home Page at <http://www.dtic.mil/npr/index.html>.

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<sup>1</sup> DoD issuances are defined as directives, instructions, and other publications such as regulations, handbooks, and manuals.



COMPTROLLER

UNDER SECRETARY OF DEFENSE  
1100 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1100

NOV 20 1998



MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARIES OF DEFENSE  
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING  
ASSISTANT SECRETARIES OF DEFENSE  
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE  
DIRECTOR, OPERATIONAL TEST AND EVALUATION  
ASSISTANTS TO THE SECRETARY OF DEFENSE  
DIRECTOR, ADMINISTRATION AND MANAGEMENT  
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Revised Waiver Policy and Procedures for Reinvention Laboratories

Earlier this year, President Clinton directed the Departments and Agencies to adopt, where it is determined to be appropriate, best practices relative to the granting of waivers to reinvention laboratories. In response to the President's memorandum, Secretary Cohen has issued revised policy regarding requests from reinvention laboratories to waive Department of Defense (DoD) issuances. The intent of the revised policy is to lower the approval authority within the Office of the Secretary of Defense, while increasing the level of authority to disapprove waiver requests from reinvention laboratories.

In his memorandum, dated November 14, 1998, Secretary Cohen directed this office to issue procedures to implement the revised waiver policy. These procedures are attached for your information and use. The waiver procedures, along with Secretary Cohen's policy document, are available on the DoD National Partnership for Reinventing (NPR) Government Home Page (<http://www.dtic.mil/npr/index.html>).

The Directorate for Management Improvement within the Office of the Under Secretary of Defense (Comptroller) remains the Department's focal point for NPR activities. For assistance involving the waiver request procedures or other NPR related activities, contact the Management Improvement Directorate at (703) 697-8580 (or DSN 227-8580).

Alice C. Maroni  
Principal Deputy Under Secretary  
of Defense (Comptroller)

Attachment



SECRETARY OF THE ARMY  
WASHINGTON

April 14, 1999

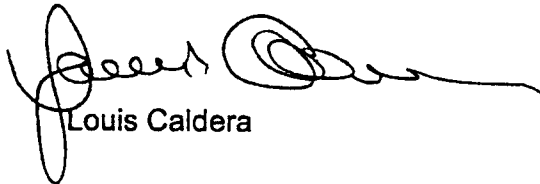
MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Reinvention Policy

The Army has made significant progress in implementing the principles and goals of the National Partnership for Reinventing Government (NPR). To build on our achievements, I encourage Army Commands to become reinvention laboratories in order to participate in testing and experimenting with innovative processes supporting the NPR principles. In order to quickly reduce barriers to process change, reinvention centers and laboratories have the authority to waive Army policy that is not bound in law.

We have had great success in using the Army Performance Improvement Criteria (APIC) as an assessment methodology and framework for continuous improvement. Some of the benefits gained by focusing on process improvement and organizational self assessments are outlined in the numerous quality awards that Army organizations have earned. I encourage you to use the APIC to focus on your critical processes. This rigorous process evaluation ensures alignment with the NPR goals and identifies future initiatives for reinvention.

To ensure we are capturing innovative ideas resulting from reinvention initiatives, functional proponents must review the applicability of successful experiments across the force. We should then move to institutionalize these changes throughout the Army in order to exploit the accomplishments of individual commands. Additionally, we have the mission to share successful initiatives across the Department of Defense. The annual NPR report is one method used to accomplish this requirement. Reinvention centers and laboratories are required to submit an annual report to the Director of Management, articulating the successes and lessons learned in reinvention. The Director of Management will continue to oversee these initiatives and periodically provide updated reinvention designation and waiver processing procedures to the force.



Louis Caldera



**ARMY TWO YEAR WAIVER EVALUATION PROCEDURES**  
**(Format and Sample Evaluation Package)**

1. **REINVENTION CENTER OR LAB POC:** Identify activity and Point of Contact (i.e., Letterkenny Army Depot, Chambersburg, PA 17201-4150, POC: John Doe).
2. **WAIVER NUMBER:** Activity/Army waiver number if applicable.
3. **WAIVER TITLE AND SHORT DESCRIPTION:** Provide the waiver title (e.g., weapons and ammunition inventory) and a brief description of the process reinvented by the waiver (e.g., waive requirement to have a NCO, officer, or DoD civilian to conduct inventory to allow assigned contractor personnel to inventory as well).
4. **DIRECTIVE:** Identify the policy or regulation impacted to include paragraph and line numbers (e.g., AR 710-2 paragraph 10-2, line 4).
5. **RESTATE PERFORMANCE BASELINE AND METRICS/MEASURES:** Provide a detailed summary of function, or process being evaluated. Identify the method and criteria used for evaluation and recording of performance results.
6. **SUMMARY OF PERFORMANCE METRICS RESULTS:** Clearly articulate and itemize the specific performance, mission, and service improvements. Identify specific efficiencies and added value as indicated by measures and metrics used (e.g., quality, customer satisfaction, performance reliability, maintainability, effectiveness, efficiency, cycle time, productivity, risk management, value-added, reduced manpower or dollars, work systems, outsource privatized etc.): Provide a detailed quantitative performance results summary of the function and/or process against established measures, metrics and waiver objective.
7. **SPECIFIC COST SAVINGS (DOLLARS AND/OR MANPOWER):** Highlight the specific resource savings resulting from implementation of the approved waiver.
8. **LESSONS LEARNED/PROBLEMS IMPLEMENTING:** Share specific functional or operational challenges encountered during the two-year implementation period.
9. **REINVENTION CENTERS/LAB'S RECOMMENDATION:**
  - a. Change DA/DoD Policy and/or Regulation
  - b. Discontinue waiver (with explanation)
  - c. Grant permanent exception to policy if limited applicability.

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Enclosure 4



## **ARMY TWO YEAR WAIVER EVALUATION PROCEDURES**

1. Reinvention activity forwards evaluation package to the Strategic Management and Innovations Division (SMID), Management Directorate, (DM) 30 days prior to the two-year expiration of the waiver. Sample format is provided as enclosure 4. The package must include:
  - a. Performance data and evaluation metrics.
  - b. A recommendation from the activity's Director or Commander to the HQDA Staff Proponent to grant a policy change, permanent exception, or termination of the reinvention waiver.
2. SMID will staff with the HQDA Staff Proponent and Army General Counsel. If the Staff Proponent agrees with the reinvention activity's recommendation, the staff will inform the submitting organization and DACS-DM-SMI of the approval and action taken.
3. The Staff Proponent has 30 days to complete the review and to identify what actions will be taken concerning the policy. If additional data is required for a decision, the staff will coordinate directly with the reinvention activity, establishing a new timeline for the decision. The HQDA objective is to:
  - a. Make a permanent change to DA Policy.
  - b. Grant additional reinvention labs the authority to test the waiver on a broader scale.
  - c. Grant permanent exception to policy to a specific organization or command, if limited applicability is determined.
  - d. With SECARMY approval terminate the reinvention waiver.
4. If the Staff Proponent disagrees with the reinvention activity's recommendation and a compromise is not reached, the waiver dispute resolution procedures will be used.
5. The Staff Proponent will notify the reinvention activity and the DM of all final actions taken on all evaluation packages.
6. Waivers will remain in effect during the evaluation and review process. (Note: Those waivers already within 180 days or past expiration are extended for six months to allow evaluation packages to be compiled and submitted to the Staff Proponent.

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Enclosure 3

## **ARMY REINVENTION WAIVER SUBMISSION PROCEDURES (Continued)**

c. If the parties do not agree, they will work together to produce a **joint decision report package for the SECARMY within 30 days of receipt of the initial waiver request**. The package will be prepared by the HQDA Staff Proponent and will contain the following elements:

(1) Identification of resolved and unresolved issues between Staff Proponent and the submitting reinvention lab.

(2) Clear statement of the waiver request (original or revised), and the expected benefits.

(3) Specific statement by the HQDA Staff Proponent or Army General Counsel addressing each point of the waiver that is under dispute and why the Functional Proponent recommends the SECARMY disapprove the proposal.

d. When the parties involved cannot agree on all issues, the joint decision package is coordinated with the reinvention lab and the Director of Management before forwarding the package through the Director of the Army Staff (DAS) to the SECARMY for resolution. The SECARMY is the only designated authority to disapprove a waiver proposal. After the Secretary approves or disapproves the waiver, the package is returned to the Management Directorate for dissemination to the originating reinvention laboratory with copies furnished to the HQDA Staff Proponent and Army General Counsel.

6. All requests for DOD Reinvention Waivers are submitted to DACS-DM-SMI and processed in accordance with the Revised DOD Policy and Procedures for Reinvention Laboratories as outlined in reference 1c.

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Enclosure 2

## ARMY REINVENTION WAIVER SUBMISSION PROCEDURES (Continued)

- Initiative or process being Improved – explain the reason for the waiver
  - Specifically cite the requirements of the policy/regulation to be waived (include the paragraph and line number or section)
  - Expected benefits
  - Identify metrics for measurement of success
  - Risk management (if applicable)
  - Effective date and duration of waiver
  - Legal coordination stating that the granting of this waiver would not be inconsistent with any statute or law (name of legal officer and date signed)
2. Within two days of approval, submitting centers and labs will notify DACS-DM-SMI by email, fax or hard copy of the approved waiver.
  3. Waiver requests are submitted to DACS-DM-SMI, who staffs with the HQDA Staff Proponent and Army General Counsel. Immediately, DACS-DM-SMI assigns a HQDA waiver tracking number and provides a copy of the approved waiver to the HQDA Staff Proponent, and Army General Counsel.
  4. If the HQDA Staff Proponent responsible for the affected Army regulation or the Army General Counsel **does not object** to the waiver, no action is required. The submitting reinvention activity continues with implementation of the waiver.
  5. When a HQDA Staff Proponent or the Army General Counsel **objects** to the waiver, they will notify the submitting reinvention center or lab and the Management Directorate, DACS-DM-SMI, of the objection within **5 working days** of receipt of the waiver. Upon receipt of objection notice, the submitting reinvention center or lab will maintain the status quo and defer implementation of the waiver until the issues are resolved using the **dispute resolution process** as follows:
    - a. All parties involved shall work together to resolve any issue precluding agreement on the provisions of the waiver proposal or to amend the request to achieve agreement.
    - b. If required, the DM, will convene a dispute resolution-working group to achieve this end.

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Enclosure 2

## **ARMY REINVENTION WAIVER SUBMISSION PROCEDURES**

**GOVERNING POLICIES:** Letters and memorandums below are the most current governing policies for reinvention activities and supersede all previous guidance.

1. Letter, 21 Apr 98, The White House, Office of the Press Secretary, subject: Streamlining the Granting of Waivers.
2. Memorandum, Secretary of Defense, 14 Nov 98, subject: Revised Waiver Policy for Reinvention Laboratories.
3. Memorandum, Principle Deputy Under Secretary of Defense (Comptroller), 20 Nov 98, subject: Revised Waiver Policy and Procedures for Reinvention Laboratories.
4. Memorandum, Director of the Army Staff, 05 Jan 99, subject: Department of Defense (DOD) Revised Waiver Policy and Procedures for Reinvention Laboratories.
5. Memorandum, Secretary of the Army, 14 Apr 99, subject: Army Reinvention Waiver Policy.
6. Memorandum, Director of Management, 16 Apr 99, subject: Revised Army Reinvention Procedures.

**Waiver Process:** This process is intended to standardize waiver procedures and to clarify the duties and responsibilities of the submitting agencies and the HQDA Staff Proponents.

1. Reinvention activity commanders and directors are granted the authority to approve waivers of Army policy and request expedited approval of OSD policy waivers. The exception to the waiver authority is that the waived policy can not be based on law. All waiver requests must include the reinvention activities senior legal officer's formal review of the request to ensure the policy under consideration is not bound by law. A waiver package must include:

- Title with installation waiver tracking number. The Strategic Management & Innovations Division (SMID) will assign the HQDA tracking number.
- Unit or activity affected

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Enclosure 2

## **ARMY REINVENTION CENTER/LABORATORY DESIGNATION PROCEDURES**

1. Memorandum requesting designation as a lab or center will contain at a minimum the following information:

- a. Name of activity
- b. Location
- c. Point of contact
- d. Description of current program
- e. Requirements for change
- f. Plans for the future (vision)
  - Objectives
  - General action plan and milestones
  - Performance metrics

2. Once your package is completed, process the request through your chain of command and forward to the Strategic Management and Innovations Division, Management Directorate, Office of the Chief of Staff, Army, ATTN: DACS-DM-SMI, Crystal Square Two, 1725 Jefferson Davis Highway, Suite 1001, Arlington, VA 22202.

3. The request for designation will be staffed with HQDA Staff Principals and the Secretariat for approval/comments. When completed the designation package will be forwarded to the SECARMY for approval.

4. Once approved, the originating activity will receive a letter of designation from the SECARMY detailing approval as a reinvention center or laboratory.

5. The Management Directorate will inform the Office of the Undersecretary of Defense, (Comptroller) Directorate for Management Improvement (OUSD, DMI) of the designation of the reinvention center or laboratory.

6. Capturing performance metrics and evaluation data are critical to the reinvention process. All Army Reinvention Laboratories are required to submit an annual report highlighting reinvention initiatives and progress.

Note: A center is generally a MACOM with the ability to test reinvention initiatives across a range of organizations under its command. The center commander may designate labs within their command with immediate notification to DACS-DM-SMI. All labs will follow the HQDA established waiver procedures for Army and OSD policies.

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Enclosure 1



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF STAFF  
200 ARMY PENTAGON  
WASHINGTON DC 20310-0200

April 16, 1999

DACS-DM-SMI

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Revised Army Reinvention Procedures

1. References:

a. Memorandum, Secretary of Defense, 14 Nov 98, subject: Revised Waiver Policy for Reinvention.

b. Memorandum, Principal Deputy Under Secretary of Defense (Comptroller), 20 Nov 98, subject: Revised Waiver Policy and Procedures for Reinvention Laboratories.


c. Memorandum, Secretary of the Army, 14 April 99, subject: Army Reinvention Policy.

2. The enclosed waiver processing procedures standardize and clarify requirements for reinvention center or laboratory designation (enclosure 1), waiver submission (enclosure 2) and two-year waiver evaluation process (enclosure 3). These procedures clearly define the responsibilities and duties of the organizations involved. This memorandum supercedes previous Army Reinvention Waiver procedures.

3. Critical to the reinvention program is a review of the successful waivers to determine applicability across the Army, and make policy changes where appropriate. The requirement to identify performance metrics and collect data over a two-year period is critical to the Department of the Army Functional Proponent. The data will be used to evaluate efficiencies and added value to be applied across the Army.

4. Management Directorate point of contact is MAJ Lawrence S. Powell at (703) 602-2760; Fax: 602-2758; email address is [powells@hqda.army.mil](mailto:powells@hqda.army.mil).

Encls

  
WILLIAM A. JONES  
Colonel, GS  
Director of Management

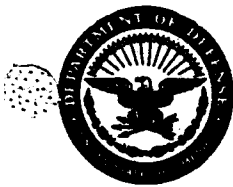
DACS-DM-SMI

SUBJECT: Army Reinvention Policy Update

4. The Management Directorate point of contact is MAJ Leon G. Plummer at 703-607-1346; fax: 602-2758; email: [leon.plummer@hqda.army.mil](mailto:leon.plummer@hqda.army.mil).

A handwritten signature in black ink, appearing to read 'D J THOMAS', written over a horizontal line.

DAVID J. THOMAS  
Colonel, GS  
Director of Management



DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF OF STAFF  
200 ARMY PENTAGON  
WASHINGTON DC 20310-0200



REPLY TO  
ATTENTION OF

DACS-DM-SMI

11 DEC 2001

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Reinvention Policy Update

1. References:

a. Memorandum, Secretary of the Army, 14 April 1999, subject: Army Reinvention Policy

b. Memorandum, Director of Management, 16 April 1999, subject: Revised Army Reinvention Procedures

2. Reference b. is amended as stated below to address and clarify Army policy concerning permanent two-year evaluation waivers. Its purpose is to ensure that waivers to Army regulatory requirements are based on current regulations. The logic is that as the Department of the Army policy proponents consider the input from the Reinvention Centers and Labs in the process of revising regulations, certain aspects of waivers become obsolete as some or all of the waiver recommendations are incorporated into the newer publications. Attempting to manage permanent waivers to outdated, superceded, or rescinded regulations is not prudent. This amendment is effective immediately and applies to all existing and future permanent waivers.

3. Paragraph 3 of Reference b. is amended as follows:

a. Add paragraph, "3.a. Permanent two-year evaluation waivers to an existing regulation will remain in effect until the regulation is superceded, rescinded, or upon publication of a revised edition."

b. Add paragraph, "3.b. Reinvention Centers/Labs may opt to request a permanent waiver (enclosure 3) to the newly published or revised regulation, based on the summary and recommendations of the previously granted waiver, without having to go through another two-year evaluation period."

c. Add paragraph, "3.c. Alternatively, Reinvention Centers/Labs may opt to submit a new waiver (enclosure 2) based on the requirements contained in the newly published or revised regulation."

